

REMARKS

The present application was filed on November 16, 2001, as a divisional of parent application Serial No. 08/923,301, which was filed September 4, 1997 and issued March 19, 2002 as U.S. Patent No. 6,359,899. The present application was originally filed with claims 1-28, and claims 13, 14, 27 and 28 were canceled in a transmittal letter filed with the present application. Claims 1-12 and 15-26 are pending in the present application.

In the July 20, 2004 Office Action, the Examiner allowed claims 8-12 and 22-26, and rejected claims 1-7 and 15-21 under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential elements or steps, and as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In this response, Applicants amend the specification, and traverse the §112 rejections. Applicants respectfully request reconsideration of the present application in view of the remarks herein.

The specification has been amended to provide consistency with the above-noted parent application, now U.S. Patent No. 6,359,899.

With regard to the rejections under §112, second paragraph, Applicants initially note that the statute in question provides as follows:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

It is important to note that the statute specifies that the subject matter of the invention is determined by “the applicant,” and not by the Examiner. Applicants respectfully submit that the claims at issue meet this statutory standard, for the reasons identified below.

The Examiner initially rejects claims 1-7 and 15-21 on the ground that these claims are incomplete for omitting essential elements. In the context of claim 1, the Examiner argues that the claim requires “means for generating the multiple linked-list chains of data packets, means for transmitting the multiple linked-list chains of data packets and means for controlling the joining of multiple linked-list chains into a single linked-list chain.” Applicants respectfully disagree. Claim

1 by its particular and distinct language, selected by Applicants, is directed to a contention-based communications network supporting communications stations that transmit data packets. The claim further recites that, in the network, there are multiple linked-list chains of data packets transmitted by the communications stations. Thus, it is clear that multiple linked-list chains of data packets are generated. The claim also makes it clear that the multiple linked-list chains of data packets are transmitted by the communications stations, and that the network is configured such that the multiple linked-list chains of data packets at a particular point in time are not always thereafter joined into a single linked-list chain. Thus, each of the limitations that the Examiner alleges is essential and omitted, already seems to be present in a general sense, albeit in another form of Applicants choosing.

The Examiner apparently would like to see claim 1 recast in a means-plus-function format, in accordance with §112, sixth paragraph. However, Applicants note that the means-plus-function format is an optional, rather than compulsory, format. Note the use of the language “may be expressed” in §112, sixth paragraph. Applicants in the context of claim 1 chose to particularly point out and distinctly claim the subject matter of their invention as a contention-based communications network having communications stations and particular characteristics, as recited. Having used clear and distinct language, compliant with the statute, Applicants are entitled to examination on the merits based on their preferred construct.

It is interesting to note that the Examiner argues that the alleged omission of essential elements contributes to an inability to examine the claims on the merits. However, the elements proposed to be added to claim 1 by the Examiner seem to correspond generally to limitations that are already present, but recast into a means-plus-function format.

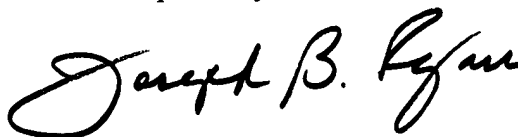
The Examiner further argues that claims 1-7 and 15-21 are indefinite, in that it is unclear how multiple linked-list chains of data packets at one point in time are not later joined into a single linked-list chain. Applicants respectfully refer the Examiner to the specification, which clearly describes an illustrative arrangement of this type. First, Applicants note that FIG. 1 shows an example of a contention-based network with communications stations, as recited in claim 1. The specification at page 7, line 14, to page 13, line 8, describes an arrangement, implemented in the contention-based network of FIG. 1, in which multiple linked-list chains of data packets transmitted

by communications stations supported by the network at a particular point in time are not always thereafter joined into a single linked-list chain. This portion of the specification, more particularly at page 10, lines 31-32, indicates that the Chlamtac paper, first cited at page 1, lines 25-28, of the specification, teaches an arrangement in which "all the real-time stations join in a single chain." The present invention is contrary to the known Chlamtac approach, in that it "does not always join multiple linked-list chains that may exist at any particular point in time into a single linked-list chain." Instead, it "allows for the possibility of two or more chains existing independently for an indefinite period of time." See the specification at page 11, lines 5-9. The specification goes on to describe a specific arrangement of this type, with reference to the communications stations of the contention-based network of FIG. 1.

Accordingly, it is believed that the language selected by Applicants for claim 1 is entirely clear and definite, and compliant with §112, second paragraph. Claims 2-7 and 15-21 are believed allowable for reasons similar to those outlined above in the context of claim 1.

Applicants believe that claims 1-7 and 15-21 are in condition for allowance, and such favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" and last name "Ryan" clearly legible.

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